



ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., STE. 4600 ☐ PHOENIX, ARIZONA 85007

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MINUTES

February 17, 2021

Board Room A, at 8:30 a.m.

1740 W. Adams Street, Board Room A

Phoenix, Arizona 85007

Members Present: Mr. Jim Loughead, Ms. Jessica Creager, Ms. Jane Soloman (telephonic), Ms. Nikki Frost, CVT (telephonic), Dr. Sarah Heinrich (left at 3:45pm), Dr. Darren Wright (left at 2:30pm) and Dr. Robyn Jaynes (telephonic; was absent from 1:27pm – 2:00pm).

Members Absent: Dr. Greg Byrne.

Staff and Legal Counsel Present: Ms. Victoria Whitmore, Executive Director; Mr. Marc Harris, AAG (Assistant Attorney General); and Ms. Tracy Riendeau, CVT, Senior Medical Investigator.

I. CALL TO ORDER

Roll call: Dr. Wright at 8:30 a.m.

II. INITIAL INVESTIGATIVE REVIEW AND ACTION ON THE FOLLOWING CASES:

1. 21-04, In Re: Bernard Cohen, DVM

Attorney David Stoll was present to monitor. Ms. Elizabeth Sommers was present telephonically and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to schedule this matter to an **Informal Interview**. Motion passed, 5 ayes, 1 nay (Dr. Heinrich).

2. 21-05, In Re: Julie Green, DVM

Attorney David Stoll was present and made statements on behalf of Dr. Green. Mr. Ismael Angulo was present telephonically and made statements. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to schedule this matter to an **Informal Interview**. Motion passed unanimously.

3. 21-06, In Re: Amy Coy, DVM

Attorney David Stoll was present and made statements on behalf of Dr. Coy. Ms. Crystal Provost was present telephonically and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Heinrich to schedule this matter to an **Informal Interview**. Motion passed unanimously.

4. 21-07, In Re: Erica Ou, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Heinrich to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

5. 21-08, In Re: Karen Brophy, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

6. 21-09, In Re: Omar Gonzalez-Cintron, DVM

Dr. Gonzalez-Cintron was present telephonically, with attorney Barbara McCloud, and made statements. Ms. Elena Noguero was present and made statements. After discussion and consideration, a motion was made by Dr. Heinrich and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Roll call: Dr. Heinrich, aye; Ms. Soloman, aye; Ms. Frost, aye; Dr. Wright, aye; Ms. Creager, aye; Dr. Jaynes, aye; and Mr. Loughhead, aye. Motion passed unanimously.

7. 21-10, In Re: Angela Mexas, DVM

Ms. Elena Noguero was present and made statements. After discussion and consideration, a motion was made by Dr. Heinrich and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

8. 21-12, In Re: Christine McCormick, DVM

Attorney David Stoll was present to monitor. Ms. Terris Inches was present telephonically and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Heinrich to accept the Investigative Committee's recommendation and dismiss this issue with no violation. Roll call: Dr. Heinrich, aye; Ms. Soloman, nay; Ms. Frost, nay; Dr. Wright, aye; Ms. Creager, nay; Dr. Jaynes, nay; and Mr. Loughhead, nay. **Motion failed**, 4 nays, 2 ayes.

After further discussion and consideration, a motion was made by Dr. Heinrich and seconded by Dr. Jaynes to schedule this matter for an **Informal Interview**. Roll call: Dr. Heinrich, aye; Ms. Soloman, aye; Ms. Frost, aye; Dr. Wright, nay; Ms. Creager, aye; Dr. Jaynes, aye; and Mr. Loughhead, aye. Motion passed 5 ayes, 1 nay.

9. 21-13, In Re: Justin McCormick, DVM

Attorney David Stoll was present to monitor. Ms. Terris Inches was present telephonically and made statements. After discussion and consideration, a motion was made by Dr. Heinrich and seconded by Ms. Creager to schedule this matter for an **Informal Interview**. Roll call: Dr. Heinrich, aye; Ms. Soloman, aye; Ms. Frost, aye; Dr. Wright, nay; Ms. Creager, aye; Dr. Jaynes, aye; and Mr. Loughhead, aye. Motion passed 5 ayes, 1 nay.

10. 21-14, In Re: Jesse Saul, DVM

After discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Heinrich to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Roll call: Dr. Heinrich, aye; Ms. Soloman, aye; Ms. Frost, aye; Dr. Wright, aye; Ms. Creager, aye; Dr. Jaynes, aye; and Mr. Loughhead, aye. Motion passed unanimously.

11. 21-15, In Re: Stacy Carron, DVM

Ms. Theresa Saunders was present telephonically and made statements. After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Heinrich to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

12. 21-16, In Re: Megan Schaible, DVM

Dr. Wright was recused. David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Heinrich and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

13. 21-17, In Re: Christina Garza, DVM

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Heinrich to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

14. 21-18, In Re: Heather Bjornebo, DVM

Attorney David Stoll was present and made statements on behalf of Dr. Bjornebo. Mr. Mark Porter was present and made statements. After discussion and consideration, a motion was made by Dr. Heinrich and seconded by Dr. Wright to disagree with the Investigative Committee's recommendation and dismiss this issue with no violation and issue a **Letter of Concern** with respect to failing to communicate the event that occurred with the Guinea Pig to the pet owner and documenting the oxygen treatment that was provided in the medical record. Motion passed unanimously.

15. 21-19, In Re: Sherif Louis, DVM

Dr. Louis was present with attorney David Stoll to monitor. Ms. Tara Morgan was present telephonically and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

After further discussion and consideration, a motion was made by Mr. Loughhead and seconded by Dr. Heinrich to **open an investigation** regarding responsible veterinarian, L. H. Nelson, DVM. Motion passed unanimously.

16. 21-35, In Re: Courtney Pike, DVM

Ms. Tara Morgan was present telephonically and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

17. 21-51, In Re: Shantibhushan Jha, DVM

Ms. Frost was recused. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to schedule this matter to an **Informal Interview**. Motion passed unanimously.

18. 21-62, In Re: Adam Schure, VMD

Dr. Schure was present telephonically and made statements. After discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Heinrich to **dismiss** this issue with no violation. Motion passed unanimously.

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 20-87: In Re: Virginia Kern, DVM

Dr. Kern was present with attorney David Stoll, made statements and answered questions. Mr. and Mrs. Randal Detweiler were present, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Heinrich to accept the Investigative Committee's recommendation and find Dr. Kern in violation of:

- *A.R.S. § 32-2232 (21) as it relates to AAC R3-11-502 (L) (4) failure to perform an exam on the dog prior to staff administering a vaccine;*
- *A.R.S. § 32-2232 (18) as it relates to AAC R3-11-501 (8) failure to provide a copy of the dog's necropsy report to the pet owner within 10 days after request; and*
- *A.R.S. § 32-2232 (11) gross incompetence: failure to perform an exam on the dog to investigate the cause of the dog's vomiting before instructing staff to administer multiple doses of milk of bismuth; Respondent also exhibited professional misconduct for failing to call the emergency contact left by the pet owner when the dog was showing signs of distress.*

Roll call: Dr. Heinrich, aye; Ms. Soloman, aye; Ms. Frost, aye; Dr. Wright, aye; Ms. Creager, aye; Dr. Jaynes, aye; and Mr. Loughhead, aye. Motion passed unanimously.

2. 20-105: In Re: Gary Pollock DVM – Continuance of Informal Interview of January 20, 2021 for the purpose of receiving additional information and reviewing possible action to approve proposed Findings of Fact, Conclusions of Law, and adopting an Order.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to approve the Findings of Fact and Conclusions of Law as drafted. Motion passed 6 ayes, 1 absent (Dr. Wright).

After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to rescind the previous vote of the violation of A.R.S. § 32-2232(12) as it relates to A.A.C. R3-11-501(1) for failure to use current professional and scientific knowledge for not documenting in the medical record that CPR was performed on the dog and instead, find A.R.S. § 32-2232(21) as it relates to A.A.C. R3-11-502(L)(6) failure to record the treatment provided to the animal, and issue Dr. Pollock a Board Order that includes a period of Probation for 1 year to obtain four (4) hours of continuing education, in addition to the statutory requirements to maintain licensure. Those four (4) hours are to include:

- Two (2) hours in medical record keeping; and
- Two (2) hours in anesthesia.

Roll call: Dr. Heinrich, aye; Ms. Soloman, aye; Ms. Frost, aye; Dr. Wright, absent; Ms. Creager, aye; Dr. Jaynes, aye; and Mr. Loughhead, aye. Motion passed 6 ayes, 1 absent (Dr. Wright).

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 20-86: In Re: Leon Ford, DVM. Quarterly appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented.

Dr. Ford was present, made statements and answered questions.

2. 19-71: In Re: Celeste Roy, DVM. Monthly appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented.

Dr. Roy was present telephonically, made statements and answered questions.

3. 20-72: In Re: Jolene Conley, DVM. Board may review, discuss, and take action on Continuing Education (CE) plan submitted as required by Board Order.

After discussion and consideration, a motion was made by Dr. Heinrich and seconded by Ms. Creager to approve Dr. Conley's continuing education plan in compliance with her Board Order. Motion passed unanimously.

4. 20-83: In Re: Hugo Santibanez, DVM. Board may review, discuss, and take action on Motion for Rehearing.

Dr. Santibanez withdrew his request for the Board to rehear and/or review case 20-83; this request was confirmed by his attorney, Mr. Elia.

5. 20-19: In Re: Jerry Oler, DVM. Board may review, discuss and take action on completion of continuing education as required by Consent Agreement.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Heinrich to accept Dr. Oler's completed continuing education as required by his Consent Agreement and return his license back to Active status. Motion passed 6 ayes, 1 absent (Dr. Wright).

6. 20-76: In Re: Lyle Robinson, DVM. Board may review, discuss, and take action to offer a Consent Agreement for voluntary agreement to stop practicing in lieu of completing requirements of Board Order.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to offer Dr. Robinson a Consent Agreement to voluntarily surrender his veterinary license and not renew his veterinary license in 2022. Roll call: Dr. Heinrich, aye; Ms. Soloman, aye; Ms. Frost, aye; Dr. Wright, absent; Ms. Creager, aye; Dr. Jaynes, aye; and Mr. Loughhead, aye. Motion passed 6 ayes, 1 absent (Dr. Wright).

7. 20-107: In Re: Erin Hisrich, DVM. Board may review, discuss, and take action regarding possible non-compliance with Consent Agreement.

Dr. Hisrich was present with attorney Flynn Carey, made statements and answered questions.

- ❖ At 1:43pm, a motion was made by Dr. Wright and seconded by Ms. Soloman to go into executive session for legal advice. Motion passed 6 ayes, 1 absent (Dr. Jaynes).
- ❖ At 1:55pm, the Board went back into open session.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Heinrich to pend this matter until results from the hair test and gas chromatography-mass spectrometry (GC-MS) have been received by the Board. Results shall be submitted to the

Board no later than 72 hours after results are available. A special Board meeting may be held depending on results. Motion passed unanimously (Dr. Jaynes was present).

8. 21-66: In Re: Tressa MacLennan, DVM. Board may review, discuss and take action on requirement in Consent Agreement offered related to direct supervision.

Dr. MacLennan was present telephonically with attorney Susan Trujillo, made statements, and answered questions. The Board declined the proposed amendments by Dr. MacLennan and her attorney, Ms. Trujillo, to the Consent Agreement with respect to direct supervision.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on Continuing Education waiver extension requested by Richard Soltero, DVM.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to grant Dr. Soltero a 5 month continuing education waiver extension until September 2021. Motion passed 6 ayes, 1 absent (Dr. Wright).

2. Board may review, discuss, and take action on Case 21-68, In Re: Angela Ryan CVT.

Ms. Ryan was present, made statements and answered questions.

- ❖ At 12:22pm, a motion was made by Ms. Frost and seconded by Ms. Soloman to go into executive session for legal advice.
- ❖ At 12:31pm, the Board entered back into open session.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to offer Ms. Ryan a Consent Agreement placing her on Probations for 3 years to complete the following terms and conditions:

- Submit completion certificate from domestic violence course;
- Continue with counseling with respect to conflict resolution, coping skills and DBT (dialectical behavior therapy) and submit quarterly reports to the Board from both counselors;
- Quarterly appearances before the Board;
- Ensure Board receives drug test results; and
- Cause employer to submit in writing, on professional's letterhead, that they have read and understand the Consent Agreement.

Roll call: Dr. Heinrich, aye; Ms. Soloman, nay; Ms. Frost, aye; Dr. Wright, absent; Ms. Creager, aye; Dr. Jaynes, aye; and Mr. Loughhead, aye. Motion passed, 6 ayes, 1 nay (Ms. Soloman).

3. Board may review, discuss, and take action on information received regarding Eastside Spay/Neuter Pet Clinic, Inc.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Heinrich to place Eastside Spay/Neuter Pet Clinic, Inc. on premises inspection list when on-site premises inspections resume. Motion passed 6 ayes, 1 absent (Dr. Wright).

4. Board may review, discuss, and take action on information received regarding Plaza Pet Clinic.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to open an investigation with respect to the premises license holder based on the information received regarding Plaza Pet Clinic. Motion passed 6 ayes, 1 absent (Dr. Wright).

5. Board may review, discuss, and take action on information received regarding unlicensed practitioner Anita Rae/Sunrae, PLLC.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Heinrich to open an investigation regarding possible unlicensed practitioner Anita Rae/Sunrae, PLLC and refer the matter to the Arizona Board of Nursing. Motion passed 6 ayes, 1 absent (Dr. Wright)

6. Board may review, discuss, and take action on request to approve "High Flow, High Velocity (HFHV) Nasal Oxygen Administration" course offered by 1st Pet Veterinary Centers in March 2021.

After discussion and consideration, a motion was made by Dr. Heinrich and seconded by Ms. Creager to approve "High Flow, High Velocity (HFHV) Nasal Oxygen Administration." Course offered by 1st Pet Veterinary Centers in March 2021. Motion passed 6 ayes, 1 absent (Dr. Wright).

7. Board may review, discuss, and take action on American Association of Veterinary State Boards' Regulatory Task Force Draft Guidelines for CBD (Cannabidiol) Use on Companion Animals.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Heinrich to table the mass for a future Board meeting. Motion passed, 6 ayes, 1 absent (Dr. Wright).

8. Board may review, discuss, and take action on 2018 lapsed premises:

a.R2719: Jeffrey Arthur, DVM PLLC; Jeffrey Arthur, DVM

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Heinrich to open an investigation due to Dr. Arthur practicing veterinary medicine with a lapsed premises license. Motion passed 6 ayes, 1 absent (Dr. Wright).

b.P0668: Healthy Pet; Melanie Rettler, DVM

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to open an investigation due to Dr. Rettler practicing veterinary medicine with a lapsed premises license. Motion passed 6 ayes, 1 absent (Dr. Wright).

9. Board may review, discuss, and take action on American Association of Veterinary State Boards' standards and policies for the forthcoming PAVE (Program for the Assessment of Veterinary Education Equivalence) for veterinary technicians.

Tabled to a future Board meeting.

10. Assistant Attorney General Report

a.Discussion regarding Open Meeting Law as it relates to the Call to the Public

Tabled to a future Board meeting.

11. Board may review, discuss, and take action regarding the adoption of protocols for conducting the Call to the Public agenda item.

Tabled to a future Board meeting.

12. Board may review, discuss, and take action on veterinary license applications:

a. Dawn Filos Mauro

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Heinrich to approve Dr. Mauro's veterinary application once complete. Motion passed 6 ayes, 1 absent (Dr. Wright).

13. Board may review, discuss, and take action to approve Board member participation in the American Association of Veterinary State Board's Board Basics and Beyond training in April 2021.

After discussion and consideration, a motion was made by Dr. Heinrich and seconded by Ms. Creager to approve Ms. Soloman to participate in the American Association of Veterinary State Board's Board Basics and Beyond training in April 2021. Motion passed 6 ayes, 1 absent (Dr. Wright).

14. Board may review, discuss, and take action on request from American Veterinary Medical Association's Committee on Veterinary Technician Education and Activities (CVTEA) to provide feedback on 2021 Standards and Skills Review.

No action taken.

15. Board may review, discuss, and take action on information received regarding Change of Name Request(s)

a.R3211: Dr. Jodie's Integrative Consulting - Cuts for Pups. Name Change to Dr. Jodie's Integrative Consulting – Puff N Fluff. Jodie Gruenstern, DVM

b.R3433: Dr. Jodie's Integrative Consulting – Kodi's Natural Pet Foods. Name Change to Dr. Jodie's Integrative Consulting – Fetch. Jodie Gruenstern, DVM

c.R3416: Anderson Animal Clinic. Name Change to Primary Pet Care. Austin Gifford, DVM

d.R2512: Cave Creek Equine Surgical Center. Name Change to Cave Creek Equine Sports Medicine & Surgery. Martin Vidal, DVM

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to approve the above Change of Name requests. Motion passed 6 ayes, 1 absent (Dr. Wright).

16. Board may review, discuss, and take action on legislative bills:

a.HB2454: telehealth; health care providers

b.HB2368: veterinarians; malpractice; unprofessional conduct; action

Tabled to a future Board meeting.

17. Board may review, discuss, and take action on letter from John M. Johnson.

After discussion and consideration, Board directed staff to respond to Mr. Johnson.

18. Executive Director Report

a. License/certificate renewal update

Ms. Whitmore provided an overview of renewal rates.

b. Financial/budget update

Ms. Whitmore provided an updated of the quarterly financial reports.

c. Administrative Rule revision process update

Ms. Whitmore advised the Board that the Rules process has changed and that a full package must be submitted to the Governor's policy advisor prior to submission to the Governor's Regulatory Review Council.

VI. REVIEW AND APPROVAL OF MINUTES

1. January 20, 2021 Regular Session

After discussion and consideration, a motion was made by Dr. Heinrich and seconded by Ms. Creager to approve the January 20, 2021 Regular Session minutes. Motion passed 6 ayes, 1 absent (Dr. Wright).

2. December 9, 2020 Executive Session

After discussion and consideration, a motion was made by Dr. Heinrich and seconded by Ms. Creager to approve the January 20, 2021 Executive Session minutes. Motion passed 6 ayes, 1 absent (Dr. Wright).

VII. SUMMARY OF CURRENT EVENTS

No current events.

VIII. CALL TO THE PUBLIC

Mr. Johnny Johnson appeared telephonically to address the Board.

IX. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, March 17, 2021**, beginning at **8:30 a.m.** at 1740 W. Adams Street, Board Room "A," Phoenix, Arizona 85007. One or more Board members may appear telephonically.

X. ADJOURNMENT

Meeting was adjourned at 3:50 p.m.

Respectfully submitted,



Victoria Whitmore, Executive Director